

REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Adopted and Filed

Rule making related to five-year review of rules

The Real Estate Appraiser Examining Board hereby amends Chapter 1, “Organization and Administration,” Chapter 4, “Associate Real Property Appraiser,” Chapter 5, “Certified Residential Real Property Appraiser,” Chapter 6, “Certified General Real Property Appraiser,” Chapter 8, “Investigations and Disciplinary Procedures,” Chapter 9, “Renewal, Expiration and Reinstatement of Certificates and Registrations, Retired Status, and Inactive Status,” Chapter 10, “Reciprocity,” Chapter 11, “Continuing Education,” and Chapter 12, “Fees,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code chapter 543D.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 543D.

Purpose and Summary

These amendments implement what the Board considers to be medium- and low-priority changes based on a five-year rolling review of its rules. This is the third level of changes from the Board. The high- and medium-priority changes have already gone through the rule-making process and became effective on November 25, 2020, and September 1, 2021, respectively. These amendments will reduce conflict between the rules and statute, reduce conflict within the rules and better follow current internal practices.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 3, 2021, as **ARC 6017C**. A public hearing was held on November 29, 2021, at 11 a.m. in the Small Conference Room, Third Floor, 200 East Grand Avenue, Des Moines, Iowa. No one attended the public hearing. No public comments were received.

After final review by the Board’s rules committee, one change was made to subrules 5.3(4) and 6.3(4) in which the last sentence, “Copies of the scores will not be accepted,” was stricken from each subrule. One change was also made for consistency in rule 193F—5.3(543D) to strike “200” in reference to creditable course hours.

Adoption of Rule Making

This rule making was adopted by the Board on January 13, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on March 16, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 1.6(3) as follows:

1.6(3) Deadlines. Unless the context requires otherwise, such as is the case for timely and late renewal of a registration or certificate, any deadline for filing a document shall be extended to the next working day when the deadline falls on a Saturday, Sunday, or official state holiday.

ITEM 2. Amend subrule 1.18(2) as follows:

1.18(2) The board must adhere to the criteria established by the Appraiser Qualifications Board (aqb) of the Appraisal Foundation when registering associate appraisers or certifying certified appraisers under Iowa Code chapter 543D. To the extent that the rules conflict with the minimum requirements outlined in the current version of the aqb criteria, the minimum standards established in the criteria shall apply and these rules shall give way to the minimum requirements to comply with federal rule, law, or policy.

ITEM 3. Amend rule 193F—1.20(543D) as follows:

193F—1.20(543D) Application and work product deadlines.

1.20(1) Summary of registration requirements for registration as an associate. The associate appraiser and supervisory appraiser provisions are more fully set out in 193F—Chapters 4 and 15, respectively. Before submitting an application for registration with the board, a person seeking registration as an associate appraiser must ~~complete~~ have completed a state and national criminal history check with the board within the past 180 days, have completed 75 hours of appraisal education within the past five years, take a supervisory/trainee appraiser course, and secure a qualified supervisory appraiser. An associate appraiser applicant who submits an application to the board office must have completed all ~~required qualifying education and the supervisory appraiser/associate coursework requirements~~ prior to submitting an application for registration.

1.20(2) Summary of certification requirements. As more fully set out in 193F—Chapters 3, 5, and 6, a person who is in the process of completing the education, experience, and examination required for certification as a certified appraiser may not submit an application for certification to the board until all prerequisites have been satisfactorily completed. The prerequisites include the following: qualifying college and core criteria appraiser education, qualifying examination, 1,500 hours of qualifying experience in a minimum of 12 months for residential appraisers or 3,000 hours of qualifying experience in a minimum of 18 months for general appraisers, ~~and work product review, and a state and national criminal history check consistent with Iowa Code section 543D.22.~~ Work product review requires numerous steps, as provided in 193F—5.6(543D) and 193F—6.6(543D). The work product review process includes the applicant's submission of a work product experience log to the board; the board's selection of three appraisals to review; communication of the selected appraisals to the applicant;

the applicant's submission of the three appraisals and associated work files to the board in electronic and paper formats; review of the appraisals and work files by a reviewer retained by the board; the reviewer's submission of review reports to the board; a meeting between the applicant, the applicant's supervisor, and the board's work product review committee; a formal board vote at a board meeting; and communication of approval, denial, or deferral to the applicant. All of these steps must be completed before an applicant with approved work product can submit an application for certification to the board office. If the applicant's supervisor is unable to attend the work product review meeting, the applicant, or the applicant's supervisor, must submit the circumstances surrounding the absence to the executive officer so that it may be determined if the work product review meeting should be rescheduled.

ITEM 4. Amend rule 193F—1.21(543D) as follows:

193F—1.21(543D) National criminal history check. All applicants for any of the classifications listed in 193F—1.17(543D), including an applicant seeking to upgrade from a certified residential credential to a certified general credential, must satisfactorily complete a state and national criminal history check as a condition of registration as an associate real property appraiser, certification as a residential, or certification as or upgrade to a general real property appraiser. The applicant shall authorize release of the results of the criminal history check to the board. If the criminal history check was not completed within 180 calendar days prior to the date the license application is received by the board, the board may perform a new state and national criminal history check or may reject and return the application to the applicant. The background check fee is specified in 193F—Chapter 12.

ITEM 5. Amend subrule 4.4(1) as follows:

4.4(1) Associate classification. The associate appraiser classification is intended for those persons training to become certified appraisers and is not intended as a long-term method of performing appraisal services under the supervision of a certified appraiser in the absence of progress toward certification. As a result, the board may impose deadlines for achieving certification, or for satisfying certain prerequisites toward certification, ~~for those persons who apply to renew an associate appraiser registration more than two times.~~ Deadlines, if any, would be imposed as a condition for the third or subsequent renewal.

ITEM 6. Amend rule 193F—4.5(543D) as follows:

193F—4.5(543D) Applying for certification as a certified residential appraiser or certified general appraiser. An associate appraiser may apply for certification as a certified residential real property appraiser by satisfying the requirements of 193F—Chapter 5, or as a certified general real property appraiser by satisfying the requirements of 193F—Chapter 6. The requirements for each type of certification include a state and national criminal history check consistent with Iowa Code section 543D.22; education, examination, and; experience, which includes work product review; and examination.

ITEM 7. Amend subrules 5.2(1) and 5.2(2) as follows:

5.2(1) Collegiate education. There are five options for the collegiate education aspect of the requirements toward certification as a certified residential real property appraiser as specified in the AQB criteria. An applicant must meet at least one of the five options identified in paragraphs 5.2(1) "a" through 5.2(1) "e," below, in order to be eligible for certification as a residential real property appraiser.

a.—An applicant holds a bachelor's degree in any field of study from an accredited college or university.

b.—An applicant holds an associate's degree in a field of study from an accredited college, junior college, community college, or university that relates to:

- (1) ~~Business administration;~~
- (2) ~~Accounting;~~
- (3) ~~Finance;~~
- (4) ~~Economics; or~~
- (5) ~~Real estate.~~

~~e. Successful completion of 30 semester hours of college-level courses from an accredited college, junior college, community college, or university that cover each of the following specific areas and hours:~~

- ~~(1) English composition (3 hours);~~
- ~~(2) Microeconomics (3 hours);~~
- ~~(3) Macroeconomics (3 hours);~~
- ~~(4) Finance (3 hours);~~
- ~~(5) Algebra, geometry, or higher math (3 hours);~~
- ~~(6) Statistics (3 hours);~~
- ~~(7) Computer science (3 hours);~~
- ~~(8) Business law or real estate law (3 hours);~~
- ~~(9) Two electives in any of the above topics or in accounting, geography, agriculture, economics, business management, or real estate (3 hours each).~~

~~d. Successful completion of at least 30 semester hours of College-Level Examination Program® (CLEP) examinations that cover each of the following specific areas and hours:~~

- ~~(1) College algebra (3 semester hours);~~
- ~~(2) College composition (6 semester hours);~~
- ~~(3) College composition modular (3 semester hours);~~
- ~~(4) College mathematics (6 semester hours);~~
- ~~(5) Principles of macroeconomics (3 semester hours);~~
- ~~(6) Principles of microeconomics (3 semester hours);~~
- ~~(7) Introductory business law (3 semester hours); and~~
- ~~(8) Information systems (3 semester hours).~~

~~e. Any combination of paragraphs 5.2(1)“c” and 5.2(1)“d,” above, that ensures coverage of all of the topics and hours identified in paragraph 5.2(1)“c.” For purposes of determining whether coverage of the topics and hours identified in paragraph 5.2(1)“c” has occurred:~~

- ~~(1) The college algebra CLEP examination may be considered for satisfying the algebra, geometry, or higher math requirement of paragraph 5.2(1)“c.”~~
- ~~(2) The college composition CLEP examination may be considered for satisfying the English composition requirement of paragraph 5.2(1)“c.”~~
- ~~(3) The college composition modular CLEP examination may be considered for satisfying the English composition requirement of paragraph 5.2(1)“c.”~~
- ~~(4) The college mathematics CLEP examination may be considered for satisfying the algebra, geometry, or higher math requirement of paragraph 5.2(1)“c.”~~
- ~~(5) The principles of macroeconomics CLEP examination may be considered for satisfying the macroeconomics or finance requirement of paragraph 5.2(1)“c.”~~
- ~~(6) The principles of microeconomics CLEP examination may be considered for satisfying the microeconomics or finance requirement of paragraph 5.2(1)“c.”~~
- ~~(7) The introductory business law CLEP examination may be considered for satisfying the business law or real estate law requirement of paragraph 5.2(1)“c.”~~
- ~~(8) The information systems CLEP examination may be considered for satisfying the computer science requirement of paragraph 5.2(1)“c.”~~

~~5.2(2) Core criteria. In addition to the formal education in subrule 5.2(1), an applicant must complete 200 creditable class hours meet the current AQB criteria requirements before taking the AQB-approved examination. All courses must be AQB-approved current core criteria to be considered creditable. The required courses and 200 hours consist of the following: The creditable class hours under the general certification AQB-approved current core criteria courses satisfy the residential requirement.~~

- ~~a. Basic appraisal principles _____ 30 hours~~
- ~~b. Basic appraisal procedures _____ 30 hours~~
- ~~c. The 15-hour USPAP course or equivalent _____ 15 hours~~
- ~~d. Residential market analysis and highest and best use _____ 15 hours~~
- ~~e. Residential appraiser site valuation and cost approach _____ 15 hours~~

f. Residential sales comparison and income approaches	30 hours
g. Residential report writing and case studies	15 hours
h. Statistics, modeling and finance	15 hours
i. Advanced residential applications and case studies	15 hours
j. Appraisal subject matter electives	20 hours

ITEM 8. Amend rule 193F—5.3(543D) as follows:

193F—5.3(543D) Examination. The prerequisite for taking the AQB-approved examination is collegiate education, experience, work product review and completion of 200 all creditable course hours as specified in subrule 5.2(2). The 200 creditable course hours, collegiate education, and all experience must be completed as specified in subrules 5.2(1) and 5.2(2) and rule rules 193F—5.4(543D) and 193F—5.6(543D) prior to the examination. For 5.2(2)“e,” equivalency Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB. USPAP qualifying education shall be awarded only when the class is instructed by at least one AQB-certified USPAP instructor who holds a state-issued certified residential or certified general appraiser credential in active status and good standing.

5.3(1) In order to qualify to sit for the certified residential real property appraiser examination, the applicant must complete the board’s application form and provide copies of documentation of completion of all courses claimed that qualify the applicant to sit for the examination.

a. No change.

b. The core criteria, collegiate education, ~~and~~ experience, and work product review must be completed and the documentation submitted to the board at the time of application to sit for the examination.

5.3(2) and 5.3(3) No change.

5.3(4) An applicant must supply a true and accurate copy of the original examination scores when applying for certification. Copies of the scores will not be accepted.

5.3(5) No change.

ITEM 9. Amend subrule 5.6(1) as follows:

5.6(1) An applicant shall submit a complete appraisal log at the time of application for examination and work product review. ~~The board will select three appraisals that~~ Three appraisal reports will be selected to demonstrate a diversity of experience and approaches to value over various time frames for work product review and request that the. The applicant shall submit, both electronically and on paper, one copy of each report and work file for each of the selected appraisals along with the appropriate form and fee. The work product submission shall not be redacted by the applicant; however, the applicant may request the reports remain confidential as specified in subrule 5.6(2). The fee for work product review of the appraisals is provided in 193F—Chapter 12. The board may select the appraisals Appraisals may be selected at random from the entire log or within certain types of appraisals. The board reserves the right to request one or more additional appraisals if those submitted by the applicant raise issues concerning the applicant’s competency or compliance with applicable appraisal standards or the degree to which the submitted appraisals are representative of the applicant’s work product. Such additional appraisals may be selected at random from the applicant’s log or may be selected specifically to provide an example of the applicant’s work product regarding a particular type of appraisal.

ITEM 10. Amend subrule 5.6(8) as follows:

5.6(8) If probable cause exists, the board may open a disciplinary investigation ~~against a certificate holder~~ based on the work product review of an applicant. A potential disciplinary action could arise, for example, if the applicant is a certified residential real property appraiser seeking an upgrade to a certified general real property appraiser, or where the applicant is uncertified and is working under the supervision of a certified real property appraiser who cosigned the appraisal report.

ITEM 11. Amend subrule 6.2(2) as follows:

6.2(2) Core criteria. In addition to the formal education in 6.2(1), an applicant must ~~complete 300 creditable class hours~~ meet the current AQB requirements before taking the AQB-approved examination.

All courses must be AQB-approved under current core criteria to be considered creditable. ~~The required courses and 300 hours consist of the following:~~

a. Basic appraisal principles	30 hours
b. Basic appraisal procedures	30 hours
c. The 15-hour USPAP course or equivalent	15 hours
d. General appraiser market analysis and highest and best use	30 hours
e. General appraiser site valuation and cost approach	30 hours
f. General appraiser sales comparison approach	30 hours
g. General appraiser income approach	60 hours
h. General appraiser report writing and case studies	30 hours
i. Statistics, modeling and finance	15 hours
j. Appraisal subject matter electives	30 hours

ITEM 12. Amend rule 193F—6.3(543D) as follows:

193F—6.3(543D) Examination. The prerequisite for taking the AQB-approved examination is collegiate education, experience, work product review and completion of 300 all creditable course hours as specified in subrule 6.2(2). ~~The 300 core criteria hours, collegiate education, and all experience must be completed as specified in subrules 6.2(1) and 6.2(2) and rule rules 193F—6.4(543D) and 193F—6.6(543D) prior to the examination. For 6.2(2)“e,” equivalency~~ Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB. USPAP qualifying education shall be awarded only when the class is instructed by at least one AQB-certified USPAP instructor who holds a state-issued certified residential or certified general appraiser credential in active status and good standing.

6.3(1) In order to qualify to sit for the certified general real property appraiser examination, the applicant must complete the board’s application form and provide copies of documentation of completion of all courses claimed that qualify the applicant to sit for the examination.

a. No change.

b. ~~The core criteria, collegiate education, and experience, and work product review must be completed and documentation submitted to the board at the time of application to sit for the examination.~~

6.3(2) and **6.3(3)** No change.

6.3(4) An applicant must supply a true and accurate copy of the original examination scores when applying for certification. ~~Copies of the scores will not be accepted.~~

6.3(5) No change.

ITEM 13. Amend subrule 6.6(1) as follows:

6.6(1) An applicant shall submit a complete appraisal log at the time of application for examination and work product review. The board will then select three appraisals that ~~The board will then select three appraisals that~~ Three appraisal reports will be selected to demonstrate a diversity of experience and approaches to value over various time frames for work product review and request that the. The applicant shall submit, both electronically and on paper, one copy of each report and work file for each of the selected appraisals along with the appropriate form and fee. The work product submission shall not be redacted by the applicant; however, the applicant may request the reports remain confidential as specified in subrule 6.6(2). The fee for work product review of the appraisals is provided in 193F—Chapter 12. The board may select the appraisals Appraisals may be selected at random from the entire log or within certain types of appraisals. The board reserves the right to request one or more additional appraisals if those submitted by the applicant raise issues concerning the applicant’s competency or compliance with applicable appraisal standards or the degree to which the submitted appraisals are representative of the applicant’s work product. Such additional appraisals may be selected at random from the applicant’s log or may be selected specifically to provide an example of the applicant’s work product regarding a particular type of appraisal.

ITEM 14. Amend subrule 6.6(8) as follows:

6.6(8) If probable cause exists, the board may open a disciplinary investigation against a certificate holder based on the work product review of an applicant. A potential disciplinary action could arise, for

example, if the applicant is a certified residential real property appraiser seeking an upgrade to a certified general real property appraiser, or where the applicant is uncertified and is working under the supervision of a certified real property appraiser who cosigned the appraisal report.

ITEM 15. Amend rule 193F—6.8(543D) as follows:

193F—6.8(543D) Upgrade from a certified residential real property appraiser to a certified general real property appraiser. To upgrade from a certified residential real property appraiser to a certified general real property appraiser, an applicant must complete the following additional education, examination, supervision, and experience requirements, which include work product review and a state and national criminal history check as provided in Iowa Code section 543D.22. For all intents and purposes, a certified residential real property appraiser seeking to upgrade to a certified general status will be considered an associate appraiser as it relates to differences between the scope of practice of the two licensure categories, and the upgrade process will generally follow the same registration requirements, supervisory identification and maintenance requirements, and processes and procedures generally applicable to associate appraisers set forth in 193F—Chapter 4.

6.8(1) Education.

a. No change.

b. *Core criteria.* In addition to the formal education and core criteria educational requirements originally required to obtain a certified residential credential, an applicant must ~~complete the following additional 100 creditable core criteria class hours~~ meet the current AQB requirements before taking the AQB-approved examination. ~~All courses must be AQB-approved under current core criteria to be considered creditable. The required courses and 100 hours consist of the following:~~

- | | |
|---|---------------------|
| (1) General appraiser market analysis and highest and best use | 15 hours |
| (2) General appraiser sales comparison approach | 15 hours |
| (3) General appraiser site valuation and cost approach | 15 hours |
| (4) General appraiser income approach | 45 hours |
| (5) General appraiser report writing and case studies | 10 hours |

6.8(2) to 6.8(5) No change.

ITEM 16. Amend rule 193F—8.3(272C,543D) as follows:

193F—8.3(272C,543D) Sources of information. Without limitation, the following nonexclusive list of information sources may form the basis for the initiation of a disciplinary investigation or proceeding:

1. to 3. No change.

4. Complaints, including anonymous complaints, filed with the board by any member of the public.

5. to 7. No change.

ITEM 17. Amend paragraph **8.5(1)“a”** as follows:

a. The full name, address, and telephone number of the complainant (person complaining), unless the complaint is submitted anonymously.

ITEM 18. Amend subrule 8.5(5) as follows:

8.5(5) Initial complaint screening. All written complaints received by the board shall be initially screened by the board’s executive officer to determine whether the allegations of the complaint fall within the board’s investigatory jurisdiction and whether the facts presented, if true, would constitute a basis for disciplinary action against a licensee. Complaints which are clearly outside the board’s jurisdiction, which clearly do not allege facts upon which disciplinary action would be based, or which are frivolous shall be referred by the board’s executive officer to the board for closure at the next scheduled board meeting. All other complaints shall be investigated and referred by the board’s executive officer to the board’s disciplinary committee for committee review as described in subrule 8.8(1).

ITEM 19. Amend rule 193F—8.8(17A,272C,543D) as follows:

193F—8.8(17A,272C,543D) Investigation procedures.

8.8(1) No change.

8.8(2) ~~Committee screening~~ Screening of complaints. ~~Upon the referral of a complaint from the board's executive officer or from the full board, the committee shall determine whether the complaint presents facts which, if true, suggest that a licensee may have violated a law or rule enforced by the board. All complaints presented to the board shall be screened, evaluated and, where appropriate, investigated.~~ If the committee concludes that the complaint does not present facts which suggest such a violation or that the complaint does not otherwise constitute an appropriate basis for disciplinary action, the committee shall refer the complaint to the full board with the recommendation that the complaint be closed with no further action. If the committee determines that the complaint does present a credible basis for disciplinary action, the committee may either immediately refer the complaint to the full board recommending that a disciplinary proceeding be commenced or initiate a disciplinary investigation.

8.8(3) ~~Committee procedures.~~ ~~If the committee determines that additional information is necessary or desirable to evaluate the merits of a complaint, the committee may assign an investigator or expert consultant, appoint a peer review committee, provide the licensee~~ An expert investigator, or expert consultant, may be assigned to evaluate the merits of a complaint. In addition, the licensee may be afforded an opportunity to appear before the disciplinary committee for an informal discussion as described in rule 193F—8.9(17A,272C,543D) or request board staff to conduct further investigation. Upon completion of an investigation, the investigator, expert consultant, peer review committee or board staff shall present a report to the committee. The committee shall review the report and determine what further action is necessary. The committee may:

a. to d. No change.

8.8(4) No change.

ITEM 20. Amend rule 193F—8.10(272C,543D) as follows:

193F—8.10(272C,543D) Peer review committee (PRC). A peer review committee may be appointed by the board to investigate a complaint. The committee may consist of one or more certified general or certified residential real property appraisers ~~registered to practice in Iowa.~~ The board may appoint a single peer review consultant to perform the functions of a PRC when, in the board's opinion, appointing a committee with more members would be impractical, unnecessary or undesirable given the nature of the expertise required, the need for prompt action or the circumstances of the complaint. An individual shall be ineligible as a PRC member in accordance with the standard for disqualification found in rule 193F—20.14(17A).

8.10(1) to 8.10(3) No change.

8.10(4) ~~Reports~~ Review. Each PRC shall submit a written ~~report~~ review to the board within a reasonable period of time.

8.10(5) ~~Components of the report review.~~ The ~~report~~ review shall include:

a. ~~Statement of the charge to the PRC;~~

b. ~~Description of the actions taken by the PRC in its investigation, including but not limited to appraisal review(s) and interviews with the respondent or complainant;~~

c. ~~Summary~~ a summary of the PRC's findings, including the PRC's opinion as to whether a violation occurred, citation of the specific USPAP violation(s), citation of the Iowa Code section(s) and Iowa Administrative Code rule(s) violated, and the PRC's opinion of the seriousness of the violation; and a recommendation to the board.

d. ~~Recommendation.~~

8.10(6) ~~Recommended action~~ Recommendation. The PRC report shall recommend one of the following:

a. to d. No change.

If the PRC recommends further investigation or disciplinary proceedings, supporting information must be submitted to the board including citation of the specific USPAP violation(s), Iowa Code section(s) and Iowa Administrative Code rule(s) violated.

8.10(7) to 8.10(9) No change.

ITEM 21. Amend rule 193F—8.14(543D) as follows:

193F—8.14(543D) Decisions. The board shall make findings of fact and conclusions of law, and set forth the board's decision, order, or both in the case. The board's decision may include, without limitation, any of the following outcomes, either individually or in combination:

1. to 12. No change.

13. Prohibit a licensee from acting as an instructor;

~~13.~~ 14. Impose any other form of discipline authorized by a provision of law that the board, in its discretion, believes is warranted under the circumstances of the case.

ITEM 22. Amend rule 193F—8.15(272C,543D) as follows:

193F—8.15(272C,543D) Mitigating and aggravating factors. Factors the board may consider when determining whether to impose discipline and what type of discipline to impose include but are not limited to:

8.15(1) No change.

8.15(2) Nature of ~~violation.~~ violations, not limited to:

a. to i. No change.

8.15(3) Interest of the public, not limited to:

a. to e. No change.

ITEM 23. Adopt the following **new** subrule 8.17(4):

8.17(4) A state and national criminal history check may be performed on any applicant applying to reinstate registration or credential consistent with Iowa Code section 543D.22.

ITEM 24. Amend subrule 9.1(3) as follows:

9.1(3) An application to renew a certificate or registration shall be submitted on ~~a form obtained from the board office or on the board's website~~ forms prescribed by the board. ~~Applicants may renew electronically through a board-established electronic process, as available.~~

ITEM 25. Amend subrule 9.3(5) as follows:

9.3(5) Resubmission of rejected applications. The board shall promptly notify an applicant of the basis for rejecting an insufficient renewal application, ~~and shall return or refund any fees received.~~ In the event the renewal application is not resubmitted, with the deficiencies corrected, the board may return any fees received. Applicants for certificate or registration renewal may remedy the insufficiency and resubmit applications that were rejected as insufficient. Resubmitted applications shall be deemed received when personally delivered to the board office, on the date of electronic submission or, if mailed, the date postmarked, but not the date metered. Resubmitted applications to renew that are not timely received by the board shall be treated as applications to reinstate, as provided in rule 193F—9.4(272C,543D).

ITEM 26. Amend subrule 9.4(5) as follows:

9.4(5) Reinstatement. The board may reinstate a lapsed certificate or registration upon the applicant's submission of an application to reinstate and completion of all of the following:

a. to c. No change.

d. Completing a state and national criminal history check consistent with Iowa Code section 543D.22.

~~*e.*~~ *e.* Providing evidence of completed continuing education outlined in rule 193F—11.2(272C,543D), as modified for associate appraisers in subrule 9.4(6), if the licensee wishes to reinstate to active status; and

e.f. Providing a written statement outlining the professional activities of the applicant in the state of Iowa during the period in which the applicant's certificate or registration was lapsed. The statement shall describe all appraisal services performed, with or without the use of the titles described in Iowa Code section 543D.15, for all appraisal assignments that are required by federal or state law, rule, or policy to be performed by a certified real estate appraiser.

ITEM 27. Amend rule 193F—9.7(272C,543D) as follows:

193F—9.7(272C,543D) Property of the board. Every certificate or associate registration issued by the board shall, while it remains in the possession of the holder, be preserved by the holder but shall, nevertheless, always remain the property of the board. ~~In the event that a certificate or associate registration is revoked or suspended, is not renewed, is registered in inactive status, or is placed in retired status, it shall, on demand, be delivered by the holder to the board.~~ The board shall generally not request return of a certificate or associate registration if it has not been revoked, suspended or voluntarily surrendered in a disciplinary action, but may do so if the board reasonably determines that grounds exist to believe that a person holding a lapsed, retired, or inactive certificate or associate registration has engaged in a practice for which active certification or registration is required.

ITEM 28. Amend rule 193F—10.2(543D) as follows:

193F—10.2(543D) Nonresident temporary Temporary practice permit.

10.2(1) The board will recognize, on a temporary basis, the certification of an appraiser issued by another state for a period of six months, unless the applicant requests, and is approved for, a one-time extension, ~~of which the one-time extension will not exceed six months, prior to the expiration of the original issued temporary practice permit.~~ An extension request must be received prior to the expiration date of the issuance of the temporary practice permit. An extension may be granted for up to six months past the original expiration date so long as the applicant is still eligible for a temporary practice permit.

10.2(2) The appraiser must register with the board and identify the property(ies) to be appraised and the name and address of the client. The appraiser must demonstrate good standing to be considered for a temporary practice permit. An appraiser who is listed in good standing on the National Registry of the Appraisal Subcommittee generally satisfies the requirement that good standing be demonstrated and ~~does~~ may not need to submit additional documentation. An appraiser who is not listed in good standing on the National Registry of the Appraisal Subcommittee must supply an official letter of good standing issued by the licensing board of the appraiser's resident state and bearing its seal. An appraiser may verify the appraiser's status on the National Registry of the Appraisal Subcommittee by accessing the ASC's website. Registration shall be on a form provided by the board and submitted to the board office prior to the performance of the appraisal. The appraiser shall pay the appropriate fee as required in rule 193F—12.1(543D).

10.2(3) and **10.2(4)** No change.

10.2(5) The board may deny an application for a temporary practice permit if the applicant has been disciplined in Iowa or another jurisdiction, a disciplinary investigation or proceeding is pending in Iowa or another jurisdiction, the person has been convicted of a crime that is a ground for discipline in Iowa or another jurisdiction, or it appears the applicant is applying for a temporary permit because the applicant would not qualify to renew or reinstate in active status in Iowa or another jurisdiction and the application for a temporary permit is made primarily to compromise compliance with Iowa laws and rules.

10.2(6) and **10.2(7)** No change.

10.2(8) The board must receive and approve an application for a temporary practice permit before the applicant is eligible to practice in Iowa under a temporary practice permit. Applicants shall use the form prescribed by the board. The board shall grant or deny all applications for temporary practice permits as quickly as reasonably feasible and no later than five days of receipt of a completed application. Applicants shall use the form prescribed by the board. Applicants disclosing discipline or criminal convictions shall attach documentation from which the board can determine if the discipline or criminal history would be a ground to deny the application. Falsification of information or failure to disclose material information shall be a ground to deny the application and may form the basis to deny any subsequent application or an application to reinstate a lapsed or inactive Iowa certificate.

ITEM 29. Amend rule **193F—11.1(272C,543D)**, definition of "Credit hour," as follows:

"Credit hour" means the value assigned by the board, or the AQB, to a continuing or qualifying education program.

ITEM 30. Adopt the following **new** definition of “Qualifying education” in rule 193F—11.1(272C,543D):

“*Qualifying education*” means education that is obtained by a person seeking certification as a real property appraiser prior to initial certification or registration where the minimum length of the education offering is at least 15 hours and the individual successfully completes a proctored, closed-book final examination pertinent to that educational offering.

ITEM 31. Amend subrule 11.2(4) as follows:

11.2(4) An applicant seeking to renew an initial certificate or registration issued less than 185 days prior to renewal is not required to report any continuing education. An applicant seeking to renew an initial certificate or registration issued for 185 days to 365 days prior to renewal must demonstrate completion of at least 14 credit hours, including 7 credit hours of the most recent which must include the National USPAP Update course or its AQB equivalent. An applicant seeking to renew an initial certificate or registration issued 365 days prior to renewal or more must demonstrate completion of at least 28 credit hours, including 7 credit hours of the most recent National USPAP Update.

ITEM 32. Adopt the following **new** subrule 11.2(10):

11.2(10) A person certified or registered to practice real estate appraising in Iowa who completes an education course approved by both the board and another appraiser regulatory body, for which the approved hours vary, will only be allowed to claim the hours approved by the board to meet the requirements of renewal of the person’s associate registration or certified credential in Iowa. A person certified or registered to practice real estate appraising in Iowa who completes an educational course not approved in Iowa, but approved by either the AQB or by another appraiser regulatory body, may claim the hours awarded by either the AQB or the appraiser regulatory body of the other jurisdiction.

ITEM 33. Amend subrules 11.4(4) and 11.4(5) as follows:

11.4(4) Continuing education credit will be granted only for whole hours, with a minimum of 50 minutes constituting one hour. For example, ~~400~~ 150 minutes of continuous instruction would count as ~~two~~ three credit hours; however, more than ~~50~~ 100 minutes but less than ~~400~~ 150 minutes of continuous instruction would only count as ~~one hour~~ two hours.

11.4(5) Continuing education credit may be approved for university or college courses, when an official transcript is provided, in qualifying topics according to the following formula: Each semester hour of credit shall equal 15 credit hours and each quarter hour of credit shall equal 10 credit hours.

ITEM 34. Rescind and reserve subrule **11.5(2)**.

ITEM 35. Amend subrule 11.5(6) as follows:

11.5(6) Only AQB-certified USPAP instructors, listed on the website of the Appraisal Foundation may teach the national USPAP courses ~~including the 15-hour tested course and the 7-hour continuing education course,~~ or its AQB-approved equivalent.

ITEM 36. Adopt the following **new** subrule 11.5(21):

11.5(21) Providers must notify the board within 30 days when there is a change in the provider’s primary contact, name, business address, or any other change which may affect the provider’s tax identification number or bond requirements with the Iowa college aid commission.

ITEM 37. Amend rule 193F—11.7(272C,543D) as follows:

193F—11.7(272C,543D) Applications for approval of programs. Applications for approval of programs must be submitted on forms prescribed by the board. All non-AQB courses are approved for 24 months, including the month of approval. ~~AQB-approved courses are approved through the AQB expiration date, which may be longer than 24 months from the date of approval.~~ Programs approved for distance education or by the AQB may be approved by the board. Board approval of a program will only be valid for the shortest period of time such program is approved by either organization.

11.7(1) and **11.7(2)** No change.

11.7(3) All required forms and attachments must be submitted for approval at least 30 days prior to the first offering of each program or, if renewing, within 30 days of the course expiration date. The

board will approve or deny each program, in whole or part, within 15 days of the date the board receives a fully completed application. Upon approval of an application for course offering, the board will specify the number of credit hours allowed. Payments for course program applications must be made within 30 calendar days of the date the application is approved by the board or the application approval may be reversed.

11.7(4) Application forms for non-AQB CAP courses will request information including, but not limited to, the following:

a. to e. No change.

f. Copies of all instructor and student program materials or, in the case of a one-time course offering, a statement that attests all instructor and student materials will be submitted to the board within ten calendar days of the course offering;

g. to k. No change.

11.7(5) and **11.7(6)** No change.

ITEM 38. Amend rule 193F—11.11(272C,543D) as follows:

193F—11.11(272C,543D) Appraiser request for postapproval of continuing education program. An appraiser seeking credit for attendance and participation in a program that was not conducted by an approved provider or approved by the licensing authority in another state or otherwise approved by the board shall submit to the board a request for credit for the program. Within 15 days after receipt of the request, the board shall advise the requester in writing whether the program is approved and the number of hours allowed. Appraisers not complying with the requirement of this rule may be denied credit for the program. Application for postapproval of a continuing education program shall include the following fee and information:

1. Application fee of \$25;
2. School, firm, organization or person conducting the program;
3. Location of the program;
4. Title of program and description of program;
5. Credit hours requested for approval;
6. ~~Dates~~ Date(s) of program;
7. Student and instructor materials;
- ~~7.~~ 8. Principal instructor(s); and
- ~~8.~~ 9. Verification of attendance.

ITEM 39. Amend rule 193F—12.1(543D) as follows:

193F—12.1(543D) Required fees. The following fee schedule applies to certified general, certified residential and associate appraisers.

Initial examination application fee	\$150
Examination fee (and reexamination fee) <u>(to be paid to the examination provider)</u>	\$145 <u>Current provider rate</u>
Biennial registration fee for active status (initial, reciprocal, renewal):	
Certified real property appraiser > one year	\$200
Certified real property appraiser < one year	\$100
Associate real property appraiser > one year	\$200
Associate real property appraiser < one year	\$100
Biennial registration fee for inactive status (initial, reciprocal, renewal):	
Certified real property appraiser	\$100

Associate real property appraiser	\$50
Temporary practice permit fee (each request)	\$100
Fee to reinstate a lapsed or retired license (lapsed or retired to active status)	\$150 (plus the registration fee)
Fee to reactivate an inactive or retired license (inactive or retired to active status)	\$50 (plus the registration fee)
Formal wall certificate	\$25
Work product review fees:	
Original submission, certified residential	\$300
Original submission, certified general	\$650
Additional residential reports as requested by the board	\$150 per report
Additional nonresidential reports as requested by the board	\$250 per report
Voluntary submission of residential reports for review	\$150 per report
Voluntary submission of nonresidential reports for review	\$250 per report
Course application fee (non-AQB-approved courses and secondary providers)	\$50
Pre-/post-course application fee	\$25
Background check	\$51
ASC National Registry fee > one year, separate from registration fee	\$80
ASC National Registry fee < one year, separate from registration fee	\$40
Fee to add supervisory appraiser	\$25
Fee to add course instructor	\$10
Waiver to administrative rules	\$25
Late renewal fee (associate, certified)	\$50

[Filed 1/14/22, effective 3/16/22]

[Published 2/9/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/9/22.